Revenue (195 °) Department

Ms. SERIES.

G.O. NO. 3136

Dated the 7th December 1950.

[Despatch Abstract.]

Land - (South Kanara) - Mangalore taluk - Harekala, Kannur and Amblanagar villages - River accretions - Disposal - Board's proposals - Orders passed.

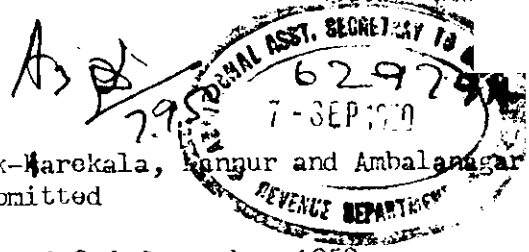
Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	1523	Rev	11.6.49				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	2625	Rev	23.9.52				

REVENUE DEPARTMENT.
Subject:



ENCROACHMENT-Lands(South Kanara)-Mangalore taluk-Harekala, Kangur and Ambalangar Villages-River accretions-Disposal-Proposals Submitted

Ref:B: 485/50-5 Station: M A D R A S dated 2nd September 1950

From

Sri A.F. Mascarenhas, I.A.S., Secretary, Board of Revenue, M a d r a s.

Sri W.R.S. SATHIANATHAN, I.C.S., COMMISSIONER OF LAND REVENUE.

-.-.-.-.-.-

Read:i)South Kanara Collector's Ref:No.3570/49-B.5. dated 29-12-49
ii)Board's Reference b: 485/50-1 dated 2-3-50
iii)South Kanara Collector's Ref:No.5660/50 B.5. dated 27-7-50

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The Collector is informed that river accretions are not meant for permanent assignment (B.S.O.15-35(XII) and so the lands cannot be assigned to political sufferers or given to the Harijans or ex-tappers for land colonisation schemes. They can only be leased out. The Collector has not stated what his recommendations are. He has simply communicated the Tahsildar's recommendation that the lands, except the portion in the occupation of Mrs.Anny Afanha, may be leased out to the encroachers for a period of 5 years more. Lease of river accretions for a period exceeding one year requires the approval of the Superintending Engineer. The Collector is therefore requested to submit his recommendations in consultation with the Superintending Engineer.

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This Office Ref:B:5/3570-49 dated 29-12-1949
Board's Ref:B:485-50-1 dated 2-3-1950

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With reference to the Board's Reference cited second above, the Superintending Engineer, P.W.D., Coimbatore has since been consulted in the matter. He is of the opinion that there is no harm in leasing out the accretion, but the lease may be restricted to a period of three years in the first instance to enable the development of the accretion to be studied at the end of this period and decide if a longer lease is permissible.

I agree with the opinion of the Superintending Engineer, the Connected records ceived back with the Board's reference are herewith enclosed.

ference:

Submitted to the Government.

The Board submits that river accretions are not meant for permanent signment (B.S.O.15-35 (Xii) and so the lands cannot be assigned to Political fferers or given to the harijans or extappers for land colonisation scheme. ey can only be leased out. The Superintending Engineer is of the view that ere is no harm in leasing out the accretion but the lease may be restricted a period of 3 years in the first instance to study the development of the cretion and to decide if a longer lease is permissible. The Collector rees with the Superintending Engineer. The Collector has reported that the croachers except Mrs.Anny Aranha have spent considerable labour and money on claiming the plots and that as the encroachment by Mrs.Anny Aranha is only e year old and the value of the improvement is negligible. She may be icted. The Board considers that there is no special reason why she should evicted and she may be allowed to continue in possession of the land lease l her favour as in other cases. The Board therefore recommends that the lands y be leased to the encroachers for a period of 3 years subject to the usual nditions and that the Collector may be asked to fix the rental due on the rious plots on the basis of their market value with the approval of the ard.

the Secretary to the Government
enue Department with the connected records
per list
Collector's C.No.1541/49 ii) C.No.3228/49 iii) C.No.3231/49
.C.No.3812/49 v) E.C.64/1358 vi) E.C.63/1358 vii) E.C.65/1358
.ii) E.C.26/5F ix) E.C.67/52
; 2.9

For Secretary

Ref.No. 3570-49-B5. South Kanara Collector's Of
Mangalore, dated: 29th Dec

From

Janab Syed Ahmed, B. Sc. (Hons.),
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue, Madras.

(IN DUPLICATE)

S i r,

ENCROACHMENT - Land - Mangalore Taluk - Harekala, Kannur and Amblamogar Villages - River accretions - Disposal - Instructions solicited.

There are certain river accretions formed around the islan known as 'Kottari Kudru' in the Netravathi river. The original Kudru (Island) measures 11.71 acres and was purchased in auction from the Government, by one Bernard D'Souza and Baba alias Luca D'Souza about 40 years ago. Sand and mud silted up around this island year after year, and this natural process was aided by -- putting up small bunds and fences all around, thus forming a bro belt around the original island. This belt of land is very fertile and paddy, chillies, sugar-cane, ragi and sweet potatoes are grown. The income derived from the produce of these lands is considerable. There are also mango, cashew plants here and there. The encroachers of these lands are the children of the original purchasers of the main land.

2 The encroachment was first detected in Fasli 1354, the -- total extent of the encroachment was 25.35 acres as detailed -- below.

Harekala Village:	S.No.	71/2A	-	3.28 acres.
		/2B	-	1.82 "
		/3A	-	1.45 "
		/3B	-	0.68 "
		/4A	-	3.68 "
		/4B	-	0.92 "
		/5A	-	1.20 "
		/5B	-	0.57 "
		/5C	-	1.36 "
		/5D	-	0.25 "
		90/1	-	0.25 "
Kannur Village:	S.No.	65/7	-	1.70 acres.
		/2	-	0.47 "
		/6	-	1.70 "
		/3	-	1.50 "
		/4	-	0.48 "
		/5	-	0.49 "
		59/1B	-	0.38 "
		/1C	-	2.04 "
Amblamogar Village:	S.No	39/1C	-	1.20 "

3 The encroachments were then found to be aged between 2 to 15 years. They would have been assigned then, but for the ban on assignment of non-kumaki lands. The assignment assessment on these plots is now being collected in village accounts Nos. 2 and 7.

4 After Fasli 1354, there were further encroachments, the total extent of which measure 14.74 acres as detailed below:

Marekala Village -	S.No. 71/2C/	0.59	acres.
	/2D.	0.07	"
	/3C.	0.05	"
	/4C.	4.10	"
	/6	5.90	"
	/7	1.05	"
Kannur Village -	S.No. 65/8	1.05	"
	59/1D	3.12	"
Ambalamogar Village-	S.No. 39/1B	1.81	"

5 These encroachments were effected by the Souza family referred to above about a year ago. One Mrs. Amy Pereira of Mangalore had encroached upon the eastern tip of the island by planting casuarina trees over an extent of 4.90 acres.

6 These lands have been applied for on assignment by some political sufferers. The Tahsildar, Mangalore who had inspected the lands early in January 1949 and submitted a detailed report regarding the disposal of these lands. His contention was that these lands which are very valuable and on which the present encroachers have spent lot of money and labour all these years are not to be made available for assignment to the political sufferers. He further reported that the lands in question, if sold in public auction -- would fetch about Rs. 20,000/- and that in view of the sacrifice -- made by the present occupiers in bringing these lands to the present stage, and the fact that the encroachers will be hard hit financially and years of hard labour will be wasted if they were to be evicted now for assignment to political sufferers. He suggests that the lands may be assigned to the respective encroachers on collection of the necessary site value.

7 The Board in its reference B.-3164-45-14 dated 16-10-1948 has issued orders stating that the lands forming river accretions should not be assigned to Political sufferers. In the meanwhile, the then Collector (Sri M.C.Thomas) raised an issue whether these lands could be made available for a Harijan Field Labour Co-Operative Society or Ex-Tappers' Colony etc. and wanted to examine the further possibilities thereon. Accordingly the plots were inspected jointly by the Revenue Divisional Officer, Mangalore, the Deputy Registrar of Co-Operative Societies, the Special Development Officer, the Dt. Harijan Welfare Officer and the Tahsildar, Mangalore and they were of the joint opinion that the lot is suitable for a colonization Sch and hence recommended that the plots may be kept reserved for colonization scheme.

In the meanwhile, the non-official advisory Committee for the grant of land to political sufferers at its meeting held on 3-5-1949 had resolved to recommend to Government the assignment of these plots to political sufferers after evicting the encroachers. An extract of the resolution of the Committee is reproduced below:

"The Committee would request the Government to make the river accretions available for assignment. These cases will lie over pending a decision of the Government."

9 Now, under the instructions issued in para 3(1) of G.O.No. 1523, Revenue, dated 11-6-1949, "Shivai-jama" occupiers have to be assigned lands if they are landless poor and further Collectors have been asked to investigate cases of Shivai-jamadars, who claim to have spent a material amount of money and labour on reclamation and improvement of the lands held by them before eviction. If the claims are found true, the lands have to be allowed to remain in their occupation for a period long enough to enable them to recover their investments. Moreover, the lands in this case stands registered

poramboke and the assignment of suba lands can be taken up only if there are no other lands available for assignment.

(b) Further enquiries made in this case reveal that all the encroachers have landed properties and they cannot be classed as landless poor, but their cases will have to be considered like those of Shivaijamadars who have spent material amount of money and labour on reclamation and improvement.

(c) A tabular statement showing the particulars of encroachment, nature and age of improvement of each bit of the land held by the encroachers is at page 89 cf. of the records of enquiry. Taking the above aspect of the question into particular consideration the Tahsildar now reports that these lands as a whole have to be allowed to remain in the occupation of the respective encroachers (except in the case of Mrs.Ajy Pranha, the last encroacher) for a period of five years more to enable them to recover their investments. As in the case of the last encroacher, Mrs.Ajy Pranha, the Tahsildar adds that she has occupied the land only a year ago, that the value of improvements made by her is negligible, that she is a rich lady having vast properties and that therefore she may be evicted out-right.

(d) I solicit instructions as to how best this case should be disposed of. The entire records of enquiry, with Bangalore Tahsildar's L.C. Nos.63, 64, and 65/1954 and the papers connected with the applications from Kalima political sufferers dealt with in this case office C. Nos.3812, 3228, and 3231 of 1949-50 are enclosed for favour of reference and return.

Rev Dept

(2)

Read again:- G.O.No 1523 Revd 11.6.5

Read:- from the Bd of Rev Refce B.685/5 d 29.9.50.

7-12-50

G.O.Ms No 3136 Revd

In the circumstances reported by the Bd of Rev in its refce read above, the Govt accept its recommendation and accordingly direct that the river accretions in the villages of Harekala, Kannur and Kuthlanagar, Mangalore taluk, South Kanara district be leased to the encroachers including Mrs Amy Aranha for a period of three years, subject to the usual conditions, the rentals due on the several plots being fixed by the Collr on the basis of their market value with the approval of the Board of Revenue.

As regards the question of further lease or disposal of the land, steps should be taken up before the expiry of the present lease.

22/9/50

By order etc.,

Sd/- [illegible]

Under Secy to Govt

To the Bd of Rev (I.R.)

with reference to Agr 24 dated 9.9.50

The Collr of South Kanara.

Note The Bd's refce & its enclosures may be perused. Under Note 1 to Rule 15-35(xii), in South Kanara, the Collr may at his discretion dispose of river accretions otherwise than by leasing them out by auction. In the circumstances reported by the Bd of Rev in its refce cited in ff 1-2 c, its recommendation at B on p 2 c may be accepted.

Accts

ay be approved. It may be sent
, P.W. and Fin for acceptance before
irculation. Dev & R.W. may also see.

1.9.50
CO

22/9/50 26/9 30.9.50

94073 Accts
14 NOV 1950
FINANCE DEPARTMENT

Sec'y F
11/9/50

Dev
P.W 98/DS
R.W
Fin Dev/P.W/Fin

100322

Rural 62979 M/50
DEV. DEPT
30/9/50

To A.S.

May be perused and ~~rebund~~ passed on to P.W.D.

4 OCT 1950
DEVELOPMENT DEPARTMENT

5-10-50
9/10/50

9/10/50 A.S.I. P.W.D

Sec'y

P.W.D.(N)

Dev no nil
100322 P+DT/50-1 A.S.I
10-10-50

5/10/50
6/10/50

A.S.

The draft order overleaf may be accepted and the file passed on to Rural Welfare Deptt.

24.10.50 25.10.50
7.11.50

R.W. Deptt

ASSISTANT SECRETARY TO GOVERNMENT II
10 OCT 1950
4199
PUBLIC WORKS DEPARTMENT

P.W. Dev 4188 M/50-1
8/11/50

52347

The draft order on p.1 above may be perused and the file passed on to Fin. Deptt.

13/11/50

Finance

ASSISTANT SECRETARY TO GOVERNMENT
11 NOV 1950
RURAL WELFARE DEPARTMENT

Dev
R.W. 2.0. 52347/13/11/50

Finance (Accts)

The Board's reference at pp 1-2 C. F. may be perused. In the circumstances stated therein, the draft order on p 1 above may be accepted.

17/11/50 18/11/50 19.11.50 Rev

Fin no 94073 Accts 1
18 - 11 - 50

Rev. Dept.

To AS

79578 A

please see the notes of Dev, P.W.D, R.W and Finance on pp 2-3 above. The draft order on page 1 ante may now issue.

A3 22.11.50

M.C 24/11/50.

30/11/50

22/11/50 4.11.(L.F)

2.12.50

HH(LR)

SECRETARY TO GOVERNMENT
6 DEC 1950
REVENUE DEPARTMENT